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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 30th May 1957

S.R.O. 1919.—In pursuance of the provisions of Sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 400 of 1957, presented to the Commission on the Thirtieth day of April 1957, under section 81 of the said Act, by Shri Suraj Narain Singh S/o Late Shri Ganga Prasad Singh, Village Narpat Nagar, Via Sakri, P. S. Madhubani, District Darbhanga calling in question the election to the House of People of the State of Bihar from the Madhubani constituency of that House of Shri Anirudh Sinha, S/o Shri Janakdhari Sinha, Village Simri, P.O. Raj Nagar, P. S. Madubhani, District Darbhanga.

Presented to me by Shri Balbhadra Narain Singh who has been duly authorised by the petitioner to present this petition and whose signature has been obtained in the margin and attested as having been signed before me this the thirtieth day of April one thousand nine hundred and fifty seven.

(Sd.) DIN DAYAL, Under Secy.

30-4-57.

Election Commission, India.

ELECTION PETITION NO. 400 OF 1957.

IN THE COURT OF ELECTION TRIBUNAL,

(Through the Election Commission of India 1 Aurangzeb Road, New Delhi)

In the matter of an Election petition under section 80 and 81 of the Representation of the People Act, 1951.

AND

In the matter of the Election of Madhubani Parliamentary Constituency for the House of the People, of India.

AND

In the matter of:

Shri Suraj Narayan Singh son of Shri Ganga Prasad Singh, deceased, resident of village Narpat Nagar, P.O. Narpat Nagar, via Sakari, Police station Madhubani, District Darbhanga (Bihar)

Versus

1. Shri Anirudh Sinha son of Shri Janakdhari Sinha, resident of village Simri, Post Office Raj Nagar, police station Madhubani, District Darbhanga (Bihar).....Respondent 1st Party.
2. Shri Bisheshwar Singh son of Kuleshwar Singh, resident of village Barahgoria, Post Office Bithuar, via Lohat, Police station Madhubani, District Darbhanga (Bihar).....Respondent 2nd Party.

(1911)

The humble petition on behalf of the above named petitioner, Most Respectfully sheweth:—

1. That as notified by the returning officer of the said constituency the following dates were appointed for different purposes of the said election:—

29-1-1957—Last date for filing nomination paper.

1-2-1957—Date for scrutiny.

4-2-1957—Last date for withdrawal

25-2-1957 to 12-3-1957—Dates for poll.

18-3-1957—Date for counting.

2. That all together four candidates filed their nomination papers for the election of the said constituency in which one Shri Suraj Narayan Mishra withdrew his nomination and the remaining three candidates contested the election and received the following votes:—

Shri Anirudh Sinha—80675.

Shri Suraj Narayan Sinha—75583.

Shri Bisheshwar Singh—18190.

3. That on 18-3-1957 Shri Anirudh Singh, the respondent no. 1 was declared elected by the returning officer of the said constituency after the counting was over.

4. That the said Parliamentary election was illegal and wrong and is fit to be declared void.

5. That the returned candidate committed several corrupt practices as defined under section 123 of the Representation of the People Act, 1951.

6. That the returned candidate Shri Anirudh Singh committed corrupt practice under section 123(i) of the Representation of the people Act 1951 in as much as he paid Rs. 1000 (Rupees one thousand) and further promised to pay Rs. 1000 (Rupees one thousand) more to Shri Bisheshwar Singh on 27-1-1957 at Madhubani to stand as a candidate in the said election in order to divide the votes of the opposition namely the petitioner.

7. That the petitioner has learnt that Shri Bisheshwar Singh sent a letter to respondent no. 1 during the course of election asking him to fulfill his promise by sending money.

8. That the returned candidate committed corrupt practice under section 123(4) of the Representation of People Act, 1951 by getting a notice published with the help of Basudeo Mahto a candidate for the election of the Assembly seat in Madhepur constituency and Dr. Lakhman Sharma and Dr. Sunder Prasad Singh, under the heading "Bihar Bidhan Sabha Madhepur Nirbachan Kshetra ki Jantaon se Appeal", making there in false allegation in relation to the personal character and conduct of the petitioner which prejudiced the prospects of the election of the petitioner.

9. That the returned candidate and his election agent Shri Chaudhary Brahma-deo Narain Singh, Pleader Madhubani and agents Shri Jamuna Singh and Shri Bindeshwar Singh of village Simri Post Office Raj Nagar, Dist. Darbhanga, distributed the said notice throughout the whole constituency, particularly at Raj Nagar on 27th February 1957, at Bhawatipur on 28th February 1957, at Phulparas on 27th February 1957, at Deep on 27th February 1957, at Nawani on 28th February 1957, at Hari on the 1st March 1957, etc. which very much prejudiced the election of the petitioner.

10. That the returned candidate, his election agent and his agents committed corrupt practice under section 123(5) in as much as they procured Jeeps, tractor, and Bullock Carts to carry voters to the polling station who were actually carried. The particulars of which is enclosed herewith as an Annexure A which may be treated as part of this petition.

11. That the returned candidate incurred expenses against the provision of section 77 and 78 of the Representation of the People Act, 1951 and filed a false and fabricated return of election expenses.

12. That the returned candidate managed to procure the votes of the absent and dead voters by false personation, the particulars of which is enclosed herewith as Annexure 'B'.

13. That according to Booth list supplied to the petitioner and other candidates and the publication made in the village the votes of the voters of the village Nawada were to be polled at Nawada L.P. School Booth on 4th March 1957 but they were illegally asked and allowed to poll on 1st March 1957.

14. That the symbol of the petitioner on the boxes at Sakri Nakhatat, Booth No. 58, at Madhepur H. E. School and at Dumri Booth was removed during the time of poll and the said boxes on those booths remained without symbol for hours together due to which large number of the voters of the petitioner were misled and they could not cast their votes in favour of the petitioner.

15. That in Laukaha Assembly constituency at Booth No. 30, 31 and 33 and at Khana, Booth No. 35 the authorised polling agents of the petitioner were illegally not allowed to remain in the enclosure due to which the respondent number 1 got a large number of bogus votes polled.

16. That the polling officer of U.P. School Kewalpatti Booth was in the collaboration of the returned candidate and he went alone inside the polling compartment where the ballot boxes were kept with large number of stamped ballot papers, a complaint which was filed at the spot but of no effect.

17. That the illegalities committed in the election have materially affected the result of the election in so far as it concerns the returned candidate.

18. That the returned candidate secured huge amount of votes due to the corrupt practices and illegalities committed in the said election and if the votes secured in that way are deducted the petitioner would be getting the majority of the valid votes.

19. That the petitioner has deposited rupees one thousand (Rs. 1000/-) as security under section 117 of the Representation of People Act, 1951 *vide* Treasury challan dated 27th April 1957, herewith enclosed.

Wherefore the petitioner prays:—

- (i) For declaration that the election of the Returned candidate is void and the petitioner is declared elected.
- (ii) For declaration that election of the returned candidate is void.
- (iii) For declaration of cost and incidental to the petition.

SURAJ NARAYAN SINGH,
(Signature.)

The 28th April, 1957.

Verification

I, Suraj Narayan Singh, son of Shri Ganga Prasad Singh, deceased, resident of village Narpat Nagar, Post Office Narpat Nagar, via Sakri, Police station Madhubani, District Darbhanga (Bihar) do hereby verify this day of the 28th April, at Patna that the statements made in this petition are true to the best of my knowledge and belief.

SURAJ NARAYAN SINGH,
(Signature.)

The 28th April 1957.

ANNEXURE 'A'

List of particulars of corrupt practice committed under section 123(5) as stated in para 10.

Date	Polling booth	Who carried	S. No.	Name	Village	Conveyance
9-3-57	Nanaur U.P. School Portable booth.	Bindeshwar Singh, Full brother of the returned candidate with consent.	1410	Bihaspal Mushar . . .	Ratupur	Tractor & Jeep. Tractor procured by the returned candidate from Deva Chandra Jha of village Balni Mehath, P.S. Jhanjharpur and Jeep No. BRF 910 procured by the returned candidate.
"	Do.	Do.	1414	Dasai Mushar . . .	Do.	Do.
"	Do.	Do.	1420	Soman Mushar . . .	Do.	Do.
"	Do.	Do.	1421	Raghava Mushar . . .	Do.	Do.
"	Do.	Do.	1400	Pruna Khatabe . . .	Do.	Do.
"	Do.	Do.	1403	Shitai Khatbe . . .	Do.	Do.
"	Do.	Do.	1404	Muratia Khatve . . .	Do.	Do.
"	Do.	Do.	1396	Thakni w/o Siaram Khatbe . . .	Do.	Do.
"	Do.	Do.	1339	Sakhi w/o Gopal Das . . .	Do.	Do.
"	Do.	Do.	1065	Bhokrai Mandal . . .	Alpura	Do.
"	Do.	Do.	318	Nabudini . . .	Do.	Do.
"	Do.	Do.	288	Masia . . .	Do.	Do.
"	Do.	Do.	211	Habibini . . .	Do.	Do.
"	Do.	Do.	280	Domini . . .	Do.	Do.
"	Do.	Do.	282	Shanichari . . .	Do.	Do.
"	Do.	Do.	284	Hadisha . . .	Do.	Do.
"	Do.	Do.	285	Hashina . . .	Do.	Do.
"	Do.	Do.	202	Khiraullia . . .	Do.	Do.
"	Do.	Do.	198	Madina . . .	Do.	Do.
"	Do.	Do.	109	Junnab . . .	Do.	Do.
"	Do.	Do.	144	Jahri . . .	Do.	Do.
4-3-57	Do.	Do.		Rirai Kumhar . . .	Tajpur	Tractor belonging to Deva Chandra Jha of village of Balni Mehath, P.S. Jhanjharpur procured by the returned candidate and his brother Bindheshwar Singh.
"	Do.	Do.		Thakkan Kumar . . .	Do.	Do.
"	Do.	Do.		Phekulal Kamat . . .	Do.	Do.
"	Do.	Do.		Panchu Kamat . . .	Do.	Do.
"	Do.	Do.		Jebbar Lal Kamat . . .	Do.	Do.
"	Do.	Do.		Babulal Kamat s/o Thakku Marar . . .	Do.	Do.

ANNEXURE 'A'

Date	Polling booth	Who carried	S. No.	Name	Village	Conveyance
4-3-57	Nanaur	Bindeshwar Singh		Mahabir Lal	Tajpur	Tractor
"	Do.	Do.		Gaffar Mian	Do.	Do.
"	Do.	Do.		Tashddur Mian	Do.	Do.
"	Do.	Do.		Khalai Nonia	Do.	Do.
4-3-57	Raghopur Balet Sanskrit Pathshala.	Raghunath Jha. Polling agent on this booth of the returned candidate with consent.		Chandralal Mandal	Raghopur	Tractor No. 3035—772 belonging to Mahanth Rampatti procured by Anirudh Sinha and Raghunath Jha, Polling agent of the returned candidate.
"	Do.	Do.		Rajendra Singh	Do.	Do.
"	Do.	Do.		Jogendra Singh	Do.	Do.
"	Do.	Do.		Jagesar Singh	Do.	Do.
"	Do.	Do.		Uchit Kumar	Do.	Do.
"	Do.	Do.		Dhadhai Singh	Do.	Do.
"	Do.	Do.		Parsuram Jha	Do.	Do.
"	Do.	Do.		Rambahadur Singh	Do.	Do.
"	Do.	Do.		Jadubir Jha	Do.	Do.
"	Do.	Do.		Babuaji Jha	Do.	Do.
"	Do.	Do.		Shukri Mandal	Do.	Do.
"	Do.	Do.		Tapasi Khavas	Do.	Do.
"	Do.	Do.		Jugesar Sahu	Do.	Do.
"	Do.	Do.		Achhe Lal Jha	Do.	Do.
"	Do.	Do.		Gauri Dai	Do.	Do.
8-3-57	Rampatti	Surayan Mishra. Polling agent on this booth of the returned candidate.	282	Chulhai Shekh	Gausnagar	Procured by Surya Narayan Mishra & Anirudh Sinha the returned candidate.
"	Do.	Do.	394	Laldhari Singh	Do.	Do.
"	Do.	Do.	389	Baldeo Singh	Do.	Do.
"	Do.	Do.	395	Sarjan Singh	Do.	Do.
"	Do.	Do.	388	Parikshan Singh	Do.	Do.
"	Do.	Do.	387	Jaya	Do.	Do.
"	Do.	Do.	396	Rajdeo Singh	Do.	Do.

Date	Polling booth	Who carried	S. No.	Name	Village	Conveyance
8-3-57	Rampatti . . .	Suryanarayan Mishra . . .	398	Rasdeo Singh . . .	Gausnagar	Procured by Suryanarayan Mishra & Anirudh Sinha the returned Candidate.
"	Do.	Do.	405	Sahdeo Singh . . .	Do.	Do.
"	Do.	Do.	406	Jageshwar Singh . . .	Do.	Do.
"	Do.	Do.	399	Ram Singh . . .	Do.	Do.
"	Do.	Do.	444	Jaipal Mahto . . .	Do.	Do.
"	Do.	Do.	445	Avadh Mahto . . .	Do.	Do.
"	Do.	Do.	485	Nathuni Mahto . . .	Do.	Do.
"	Do.	Do.	408	Ranbir Singh . . .	Do.	Do.
25-2-57	Dungar Bhithi . . .	Anirudh Sinha the returned candidate.	172	Ashanand Thakur . . .	Samaul	Jeep No. BRF-910 Driver's name Gopi Raman Jha of Baraia Bishunpur. Procured by the returned Candidate.
"	Do.	Do.	151	Madhukar Thakur . . .	Do.	Do.
"	Do.	Do.	193	Mahabir Jha . . .	Do.	Do.
"	Do.	Do.	147	Nirsan Thakur . . .	Do.	Do.
"	Do.	Do.	86	Bilat Thakur . . .	Do.	Do.
"	Do.	Do.	259	Bisheshwar Jha . . .	Do.	Do.
"	Do.	Do.	102	Dukhharan Thakur . . .	Do.	Do.
1-3-57	Behat . . .	Bindeshwar Singh own brother of the returned candidate.		Chokar Mandal . . .	Behat	Jeep & car belonging to Sri Nathuni Singh of Bhagwanpur. Procured by the returned candidate and his own brother Shri Bindeshwar Singh.
"	Do.	Do.		Bhular Mandal . . .	Do.	Do.
"	Do.	Do.		Misrilal Mandal . . .	Do.	Do.
"	Do.	Do.		Bhikhari Mallah alias Mauna . . .	Do.	Do.
"	Do.	Do.		Gulten Mallah . . .	Do.	Do.
"	Do.	Do.		Bharosi Dusadh . . .	Do.	Do.
"	Do.	Do.		Bauna Tatwa . . .	Do.	Do.
"	Do.	Do.		Kapileshwar Kamat . . .	Do.	Do.
"	Do.	Do.		Janak Tatwa . . .	Do.	Do.
"	Do.	Do.		Sonai Tatwa . . .	Do.	Do.
"	Do.	Do.		Jadu Tatwa . . .	Do.	Do.

SURAJNARAIN SINGH

28-4-57]

Signature.

Verification

I, Suraj Narayan Singh son of Shri Ganga Prasad Singh, deceased, resident of village Narpat Nagar, Post Office Narpat Nagar, via Sakri Police station Madhubani, District Darbhanga (Bihar) do hereby verify this day of the 28th April, at Patna that the statements made in Annexure A are true to the best of my knowledge and belief.

SURAJ NARAYAN SINGH,

(Signature.)

28-4-57.

ANNEXURE 'B'

List and particulars of the voters who were dead and absent at the time of poll but in whose name votes have been secured by the returned candidate by false personation.

Name	Father's Name	Village
Kameshwar Lal Das	Nacharilal Das	Chichsi Kanunoi, Police Station, Madhubani.
Harinarayan Lal Das		Do.
Bansidhar Lal Das	Muktnath Das	Do.
Deokrishna Lal Das	Jagarnath Das	Do.
Shiokumar Lal Das		Do.
Shiogovind Lal Das	Dhanusdhary Lal Das	Do.
Satyanarayan Lal Das	Divani Lal	Do.
Murlidhar Lal Das	Kedernah Das	Do.
Chakradhar Lal Das	Do.	Do.
Hakkul Beg		Do.
Mashuk Beg		Do.
Jainarayan Das	Divani Lal	Do.
Kamalnarain Das	Do.	Do.
Anugrah Lal Das	Tejnarayan Das	Do.
Srikrishna Lal Das	Nandkishore Das	Do.
Radhakrishna Lal Das		Do.
Nachari Lal Das	Bachharu Lal Das	Do.
Brijbihari Lal	Do.	Do.
Anardan Lal Das	Jagarnath Das	Do.
Ramballabh Das		Do.
Muthu Lal Das		Do.
Bisheshwar Lal	Pritam Lal Das	Do.
Badri Lal Das	Kamaldeo Lal	Do.
Deonarayan Lal	Jaide Lal	Do.
Ramkripal Singh	Sant Singh	Daiya Kharwari P.S., Madhepur.
Mahesar Singh	Anpuchh Singh	Do.
Ramgulam Rai	Parneswar Rai	Do.
Rajkumar Singh	Jagat Singh	Do.
Asharfi Mandal	Chuman Mandal	Do.
Kapileshwar Singh	Suraj Singh	Do.
Gopali Khatwe	Nabait Khatwe	Do.
Dukha Thakur	Sukhdeo Thakur	Do.
Guddi Thakur		

Verification

I, Suraj Narayan Singh son of Shri Ganga Prasad Singh, deceased, resident of village Narpat Nagar, Post Office Narpat Nagar, via Sakri Police Station, Madhubani, District Darbhanga (Bihar) do hereby verify this day of the 28th April, at Patna that the statements made in Annexure 'B' are true to the best of my knowledge and belief.

SURAJ NARAYAN SINGH,

(Signature.)

28-4-57.

[No. 82/400/57.]

By Order,

DIN DAYAL, Under Secy.

